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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,685	05/30/2000	Charles Douglas Blewett	1999-0076	1770

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EXAMINER
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LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 01/20/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/580,685

Applicant(s)

BLEWETT ET AL.

Examiner

DANH C LE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steward (US 6,571,221) in view of Kirby (US 6,330,443).

As to claim 1, Steward teaches a method for providing temporary wireless services on a pay per use basis over a wireless local area network (figure 1 and col.5, line 47-col.6, line 9), comprising:

providing a temporary wireless service connection to a user;

determining a usage amount incurred by the user for the temporary wireless service connection; and

charging the user for the determined usage amount for the temporary wireless service connection (col.12, lines 23-32).

Steward fails to teach the user is a non-subscriber user. Kirby teaches the user is a non subscriber user (col.13, lines 27-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kirby into the system of Steward in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center which supporting both the subscriber and non-subscriber.

2. Claims 2, 8, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staward and Kirby in view of Kumaki (US 6,473,411).

As to claim 2, Steward and Kirby teaches the method of claim 1. Steward and Kirby fails to teach the providing a temporary wireless service connection to the user includes dynamically assigning an IP address to the user. Kumaki teaches the providing a temporary wireless service connection to the user includes dynamically assigning an IP address to the user (col.12, line 62-col.13, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kumaki into the system of Steward in order to enhance system performance of the network communication service with an improved billing purposes.

As to claim 8, Steward, Kirby and Kumaki also teach further comprising: receiving a wireless service termination signal from the user (figure 37).

As to claim 21, Steward, Kirby and Kumuki further teach the step of providing a temporary wireless service includes using a dynamic host configuration mechanism to apportion an IP address to the user for a limited time interval (Kumaki, col.12, lines 65-col.13, line 5).

As to claim 22, Steward, Kirby and Kumuki further teach the usage amount is determined by how many minutes the user was provided the temporary wireless service (Kumaki, col.18, lines 11-22).

3. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staward and Kirby in view of Kari (US 6,480,485).

As to claim 3, the combine of Steward and Kirby teaches the method of claim 1. Steward and Kirby fails to teach the usage amount is determined by how many minutes the user was provided the temporary wireless service connection. Kari teaches the usage amount is determined by how many minutes the user was provided the temporary wireless service connection (Kari, col.4, line 54-col.5, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kari into the system of Steward and Kirby in order to enhance system performance of the network communication service with an improved billing purposes.

As to claim 4, the combine of Steward, Kirby and Kari teaches the method of claim 1, wherein the usage amount is determined per byte transferred by the user (Kari, col.4, line 54-col.5, line 6).

As to claim 5, the combine of Steward, Kirby and Kari teaches method of claim 1, wherein the usage amount is determined per transaction incurred by the user (Kari, col.4, line 54-col.6, line 52).

As to claim 6, the combine of Steward, Kirby and Kari teaches method of claim 1, wherein the usage amount is determined per packet transferred by the user (Kari, col.4, line 54-col.6, line 52).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steward and Kirby in view of Hamilton (US 6,496,499).

As to claim 7, Steward and Kirby teaches the method of claim 1. Steward and Kirby fails to teach the wireless service connection is provided to the user using an

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802.11 standard wireless protocol connection. Hamilton teaches the wireless service connection is provided to the user using an 802.11 standard wireless protocol connection (col.4, line 65-col.5, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hamilton into the system of Steward and Kirby in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

5. Claims 9, 10, 17, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward in view of Kumaki (US 6,473,411).

As to claim 9, Steward teaches the method for providing a temporary wireless service connection to one or more users in a wireless local area network (figure 1), comprising:

establishing a temporary wireless service connection for the user;

determining a usage amount for the temporary wireless service connection for the user; and

charging the user for the usage amount for the temporary wireless service connection (col.12, lines 23-32).

Steward fails to teach receiving a request for temporary wireless service from a user wherein a dynamic host configuration mechanism an IP address to the user for a limited time interval, the usage amount being based at least in part on the number of minutes in the limited time interval. Kumaki teaches the receiving a request for temporary wireless service from a user wherein a dynamic host configuration

mechanism an IP address to the user for a limited time interval, the usage amount being based at least in part on the number of minutes in the limited time interval (col.11, lines 16-22 and col.18, lines 11-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kumaki into the system of Steward in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

As to claim 10, the combine of Steward and Kumaki further teaches the user is charged for the usage amount based on the number of minutes the user was provided with the temporary wireless service connection (Kumaki, col.18, lines 11-22).

As to claim 17, the claim is a system claim of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

As to claim 18, Steward and Kumaki further teach the usage amount is determined by per time used (Kumaki, col.17, lines 17-22).

As to claim 20, Steward and Kumaki further teach the local wireless network includes a facility for assigning a dynamic IP address to the wireless device (Kumaki, figure 5, 225).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steward, Kirby in view of Kari.

As to claim 11, the combine of Steward, Kirby and Kari teaches the method of claim 9, wherein the usage amount is determined at least in part by the amount of data transferred by the user (Kari, col.4, line 54-col.5, line 6).

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7. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward and Kumaki in view of Freeny (US 6,490,443).

As to claim 13, Steward and Kumaki teaches method of claim 9. Steward and Kumaki fails to teach the step of establishing a temporary wireless service connection for the user includes receiving payment information from the user. Freeny teaches the step of establishing a temporary wireless service connection for the user includes receiving payment information from the user (col.53, line 58-col.4. line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Freeny into the system of Steward and Kumaki in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

As to claim 14, Steward and Kumaki teaches the method of claim 13. Steward and Kumaki fails to teach the step of establishing a temporary wireless service connection for the user includes verifying the payment information received from the user. Freeny teaches the step of establishing a temporary wireless service connection for the user includes verifying the payment information received from the user (col.8, lines 58-col.9, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Freeny into the system of Steward and Kumaki in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.



As to claim 15, the limitation of the claim is the same limitation of claim 8; therefore, the claim is interpreted and rejected for the same reason as set forth as claim 8.

As to claim 16, the limitation of the claim is the same limitation of claim 14; therefore, the claim is interpreted and rejected for the same reason as set forth as claim 14.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steward, Kumaki in view of Kari.

As to claim 18, Steward and Kumaki teaches the system of claim 17, Steward and Kirby fails to teach the wireless device is a PDA. Kari teaches the wireless device is a PDA (Kari, figure 1, 102). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kari into the system of Steward and Kumaki in order to enhance the system performance of the packet radio network with charging information collected by nodes and forwarded to billing center.

9. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward and Kumaki in view of Kirby (US 6,330,443).

As to claims 23 and 24, Steward and Kumaki teaches the method of claim 1, Steward and Kumaki fails to teach the user is a non-subscriber. Kirby teaches the user is a non-subscriber (col.13, lines 27-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kirby into the system of Steward and Kumaki in order to enhance the system

performance of the packet radio network with charging information collected by nodes and forwarded to billing center which supporting both the subscriber and non-subscriber.

***Response to Arguments***

Applicant's arguments with respect to claims 1-11, 13-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


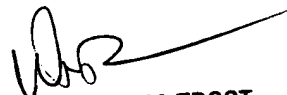
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Danh C.Le  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600